

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 338

An Act to Stabilize the Maine Dairy Industry

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON MCKEE	ONTP	

LD 338 proposed establishing a program of direct subsidy payments to the State's dairy farmers through the Maine Milk Pool. The program would have made payments if the base price of milk at the farm fell below the average short-term cost of milk production in the State as determined by studies performed for the Maine Milk Commission. The supplemental appropriation proposed in the bill for fiscal year 2002-03 was \$5,500,000. See the bill summary for LD 1945 for a summary of legislation enacted this session to establish 2 subsidy payment programs for Maine dairy farmers.

LD 738

An Act To Save Maine Dairy Farms

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE BRYANT	ONTP	

LD 738 proposed directing the Maine Milk Commission to establish a maximum rate of return for the retail sale of milk. It would have authorized the commission to order a retail store to lower its prices if the commission determined that the maximum rate of return had been exceeded. It proposed requiring the owner or manager of a retail store to keep certain records and requiring the owner or manager of a retail store with daily sales in excess of 100 quarts of milk a day to submit monthly reports to the commission.

LD 1253

Resolve, Directing the Department of Conservation To Implement a Pilot Project To Evaluate Outdoor Playground Surface Materials

RESOLVE 110

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-693

LD 1253 proposed establishing a Playground Safety and Tire Recycling Fund to provide matching grants to public schools and institutions and state parks and recreation areas to purchase and install playground surfacing material made from waste tire material. The intent of this bill was to improve playground safety while promoting the reuse of tires. The bill proposed to establish the fund within the State Planning Office and direct that office to adopt rules to administer the fund. The bill proposed to impose a fee of 25¢ per tire to fund the grant program.

Committee Amendment "A" (H-693) proposed changing the bill to a resolve. It proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to develop and implement a pilot project for evaluating the use of waste tire material as a playground surfacing material.

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Enacted Law Summary

Resolves 2003, chapter 110 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to develop and implement a pilot project for evaluating the use of waste tire material as a playground surfacing material.

LD 1518 An Act To Improve Harvest Standards for Lands Purchased and ONTP
Harvested within an 8-year Period

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	ONTP	
EDMONDS		

LD 1518 proposed establishing harvesting standards for land harvested within 8 years of purchase or purchase of the timber rights. It proposed a definition for “heavy cut” and would have required a landowner to have a harvest plan prepared prior to conducting a heavy cut. The bill proposed 4 acceptable justifications for a heavy cut. It proposed an exemption to the standards for change in land use and provisions for granting a variance for financial hardship.

LD 1644 Resolve, To Clarify State Ownership of Land in the Town of Naples RESOLVE 102

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP	

LD 1644 proposed directing the Director of the Bureau of Parks and Lands within the Department of Conservation to clarify ownership of the land in the vicinity of a parcel known as "Third Beach" adjacent to Sebago Lake State Park in the Town of Naples.

Enacted Law Summary

Resolve 2003, chapter 102 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to clarify ownership of the land in the vicinity of a parcel known as "Third Beach" adjacent to Sebago Lake State Park in the Town of Naples.

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LD 1693

An Act To Improve the Property Boundary Marking Laws for Purposes of Timber Harvesting

PUBLIC 550

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-385 S-393 BRYANT

LD 1693 proposed requiring persons cutting or harvesting trees near a property boundary line to clearly mark the line. It also proposed prohibiting the harvesting of trees growing on a property boundary line without prior approval from owners of the abutting property.

Committee Amendment "A" (S-385) proposed changes to the definition of "line tree" and specifying civil penalties for failure to mark property lines prior to harvest and harvesting a line tree without the abutting landowner's permission.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed an exemption for timber harvesting performed on a parcel of land that is 5 acres or less.

Enacted Law Summary

Public Law 2003, chapter 550 requires a landowner authorizing the person conducting a harvest near a property boundary line to clearly mark any established property boundary line within 200 feet of the area to be harvested. It prohibits the harvesting of trees growing on a property boundary line unless prior approval is obtained from owners of the abutting property. Exemptions are provided for tree cutting performed by the Department of Transportation, public utilities or municipal employees or agents and for harvests on a parcel of land that is 5 acres or less.

LD 1719

Resolve, Authorizing the Transfer of a Parcel of Land on Peaks Island to the Peaks Island Land Preserve

RESOLVE 129

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-455

LD 1719 proposed conveying a conservation easement on land owned by the State and located on Peaks Island in Cumberland County to the Peaks Island Land Preserve. The Resolve incorrectly identified the Bureau of Parks and Lands within the Department of Conservation as the agency with authority to convey an easement on the property, which is classified as a wildlife management area.

Committee Amendment "A" (S-455) proposed replacing the original Resolve to authorize the Commissioner of Inland Fisheries and Wildlife to transfer fee ownership of land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve.

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Enacted Law Summary

Resolve 2003, chapter 129 authorizes the Commissioner of Inland Fisheries and Wildlife to transfer land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve. It requires that the deed conveying the property contain provisions ensuring appropriate conservation of the property.

LD 1742 An Act To Amend the Laws Regarding Humane Agents and Kennel Licenses PUBLIC 536

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-680

LD 1742 proposed amending the Animal Welfare Act to clarify training requirements for humane agents and remove the use of the term "pack or collection" for kennel licensing purposes. It also proposed amending provisions for the Internet licensing project established during the First Session of the Legislature. Public Law 2003, Chapter 405 provides for a municipality to receive \$3 for each dog license issued by the Department of Agriculture, Food and Rural Resources via the Internet. LD 1742 proposed that a municipality be entitled to only \$1 for dogs capable of producing young and licensed over the Internet, the same as the municipality receives when the municipal clerk issues a license for a dog capable of producing young.

Committee Amendment "A" (H-680) proposed removing the section of the bill that would reduce the fee a municipality receives for a dog capable of producing young and licensed under the Internet licensing project.

Enacted Law Summary

Public Law 2003, chapter 536 clarifies that all humane agents are required to complete training in the handling of small and large animals and a minimum of 40 hours of training annually. It removes the use of the term "pack or collection" in the definition of "kennel" and under the kennel licensing provisions. Instead the term "5 or more dogs" is used. Kennel licensing provisions apply to a person who keeps 5 or more dogs for breeding, hunting, show, training, field trials or exhibition purposes.

LD 1782 An Act To Ensure Fair Payment for Timber Harvesting Jobs on Land Managed by the Department of Conservation, Bureau of Parks and Lands PUBLIC 549

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON STANLEY	OTP-AM	H-714

LD 1782 proposed prohibiting the Department of Conservation, Bureau of Parks and Lands from entering into a contract with an individual who is not a United States resident for the cutting, skidding or hauling of timber on or from public reserved lands or nonreserved public lands. It also proposed requiring a contract for harvesting or

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hauling timber on reserved or nonreserved land to include a provision prohibiting a person who is not a United States resident from cutting, skidding or hauling timber on or from reserved or nonreserved land.

Committee Amendment "A" (H-714) proposed replacing the bill. It proposed requiring a contract to harvest timber on the public reserved and nonreserved lands to specify wage or piece rates and equipment allowances that equal or exceed rates and allowances established by the Department of Labor. It proposed authorizing the Director of the Bureau of Parks and Lands to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands if a prevailing wage or piece rate or equipment allowance had not been established by the Department of Labor for a specific harvesting occupation or type of equipment.

Enacted Law Summary

Public Law 2003, chapter 549 requires a contract to harvest timber on the public reserved and nonreserved lands to include a provision requiring that timber harvesters be paid a wage or piece rate not less than the prevailing wage or rate established by the Department of Labor and equipment allowances equal to or greater than the allowances established by the Department of Labor. If a prevailing wage or piece rate is not established by the Department of Labor for a specific harvesting occupation or an equipment allowance is not established by the Department of Labor for a specific type of equipment, the Director of the Bureau of Parks and Lands is authorized to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands.

LD 1852

**An Act To Extend the Dairy Stabilization Subsidy Through
May 31, 2004**

**PUBLIC 522
EMERGENCY**

Sponsor(s)
COLWELL
BRYANT

Committee Report
OTP

Amendments Adopted

The budget bill enacted as Public Law 2003, chapter 513, included language extending the dairy stabilization subsidy program through June 0f 2004. LD 1852 proposed to remove the dairy stabilization subsidy from the recently enacted budget and enact it as separate, emergency legislation in order for the financial assistance to be available immediately upon enactment.

Enacted Law Summary

Public Law 2003, chapter 522 extends dairy stabilization payments for milk produced between January 1, 2004 and May 31, 2004 and caps the total amount to be distributed for this period at \$2,100,000. During the First Session of the 121st Legislature, Public Law 2003, chapter 120 established provisions for distributing payments to Maine's dairy farmers for any month from September through December of 2004 in which the base price of milk fell below \$16.94 per hundredweight. Chapter 120 provided for payments based on 55% of the difference between the target price of \$16.94 and the base price. Chapter 522 retains the target price of \$16.94 but provides for payments to be calculated based on 40% of the difference in target price and base price.

Public Law 2003, chapter 522 was enacted as an emergency measure effective February 20, 2004.

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LD 1902

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act

PUBLIC 578

Sponsor(s)

Committee Report

Amendments Adopted

LD 1902 proposed legislation developed by the Joint Standing Committee on Agriculture, Conservation and Forestry during its review of the Department of Agriculture, Food and Rural Resources and the Baxter State Park Authority under the Government Evaluation Act.

Enacted Law Summary

Public Law 2003, chapter 578 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry upon completion of review of agencies submitting Government Evaluation Reports to the 121st Legislature. Chapter 578 establishes future report dates for agencies reviewed by the committee this session and deletes a reference to the recently abolished State Soil and Water Conservation Commission. It also does the following:

1. It removes employees of the Department of Agriculture, Food and Rural Resources from the Pull Events Commission and provides for the agricultural fair coordinator within the department to serve as secretary to the commission.
2. It establishes a separate dedicated account to receive seed certification and inspection fees and other funds received in support of a state seed certification and inspection program.
3. It allows loans from the Agricultural Marketing Loan Fund to be used to improve pastureland.
4. It directs the Baxter State Park Authority to report in 2006 to the joint standing committee of the Legislature having jurisdiction over parks and public lands on the implementation of the rolling reservation system for Baxter State Park.

LD 1942

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

RESOLVE 137

Sponsor(s)

BRYANT
HATCH PR

Committee Report

OTP-AM

Amendments Adopted

S-508

LD 1942 proposed authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property or interests in property at 6 locations described in the resolve.

Committee Amendment "A" (S-508) proposed revising language in the resolve that authorized conveyance of lots on First Roach Pond to correct the name of the association of leaseholders, better describe and identify the lots and allow the transfer to either the First Roach Pond Leaseholders Coalition or its individual members. It proposed

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directing the Director of the Bureau of Parks and Lands within the Department of Conservation to take action to ensure continuing public access to the campground lot retained by the State if that portion of the Frenchtown Road used to access the campground is discontinued as a county road.

The amendment also proposed removing a section from the resolve, which proposed authorizing the transfer of land in Skowhegan known as the Yankee Woodlot to the Somerset County Commissioners for the purpose of constructing a new jail.

Enacted Law Summary

Resolve 2003, chapter 137 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property at 5 locations. The transfers authorized include; 1.5 miles of road to the Town of Winterville in Aroostook County, lots on First Roach Pond in Piscataquis County to the First Roach Pond Leaseholders Coalition or individual members of the coalition, 25 acres in Lynchtown Township in Oxford County to the Bosebuck Mountain Club, Inc., a 45 acre parcel of land in Little Moose Township to the Town of Greenville, and a lot in Corinna to the Town of Corinna. Any proceeds from the sale of land must be used to purchase additional land in the same county.

LD 1945

An Act To Encourage the Future of Maine's Dairy Industry

**PUBLIC 648
EMERGENCY**

Sponsor(s)
PIOTTI
BRYANT

Committee Report
OTP-AM

Amendments Adopted
H-883

LD 1945 proposed to create 2 programs of assistance to support the prices paid to Maine dairy farmers for their milk, based on the recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine.

Committee Amendment "A" (H-883) proposed replacing the bill to clarify provisions establishing 2 price support programs. It also proposed removing the repeal provisions in the bill and instead authorizing the joint standing committee of the Legislature having jurisdiction over agricultural matters to report out a bill to implement the committee's recommendations after its review of each program. The amendment proposed allowing funds previously allocated to the Maine Milk Commission for distribution to dairy farmers to be distributed under the new programs in fiscal year 2004-05.

Enacted Law Summary

Public Law 2003, chapter 648 establishes 2 programs to stabilize the prices paid to dairy farmers for their milk. Under the tiered program a target price is established for each of three levels of production to reflect short-run break-even points within each tier. Payments are distributed for each month in which the base price was less than the target price. The second payment program, the Maine Milk Income Loss Contract, provides for payments to Maine dairy farmers whose annual production exceeds the cap under the federal Milk Income Loss Contract. These farmers are eligible to receive a payment for production over the federal cap until annual production reaches 5,000,000 pounds.

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Chapter 648 directs the Department of Agriculture, Food and Rural Resources to develop a course of action for implementing other recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine presented in the task force's report dated November 18, 2003. It also requires the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the price support provisions enacted by chapter 648 and authorizes the committee to report out a bill to implement the committee's recommendations regarding each program. The bills are authorized for submission to the First Regular Session of the 123rd Legislature. Public Law 2003, chapter 648 was enacted as an emergency measure effective April 16, 2004.

LD 1947 **Resolve, To Clarify Title to Land Related to the Waldo-Hancock Bridge Replacement** **RESOLVE 141**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY HATCH PH	OTP	

This resolve proposed authorizing the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation.

Enacted Law Summary

Resolve 2003, chapter 141 authorizes the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation for the purpose of constructing and maintaining a portion of the Waldo-Hancock Bridge replacement. It also confirms that portions of State Route 174 and U.S. Route 1 that cross Fort Knox State Park were constructed, and are occupied and maintained for highway purposes. The area subject to this transfer of management responsibility is approximately 5 acres, approximately 4.75 acres of which is currently occupied by State Route 174 and U.S. Route 1. No funds will be exchanged in connection with this transfer.

LD 1952 **An Act to Regulate the Breeding and Sale of Small Mammals** **PUBLIC 642**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-851

LD 1952 was the report of the Joint Standing Committee on Agriculture, Conservation and Forestry authorized under Public Law 2003, chapter 350. It proposed directing the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits.

House Amendment "A" (H-851) proposed clarifying that the rules authorized by this bill apply only to breeders and sellers of small mammals who are not currently licensed or regulated by the Department of Agriculture, Food and Rural Resources.

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Enacted Law Summary

Public Law 2003, chapter 642 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits, to apply to breeders and sellers who are not currently required to be licensed or otherwise regulated by the department.

LD 1962 **Resolve, Regarding Legislative Review of Chapter 23: Standards for Timber Harvesting To Substantially Eliminate Liquidation Harvesting, a Major Substantive Rule of the Department of Conservation** **RESOLVE 144**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-966
	OTP-AM MIN	

LD 1962 proposed authorization for final adoption of Chapter 23: Standards for Timber Harvesting to substantially eliminate Liquidation Harvesting, a major substantive rule of the Department of Conservation.

Committee Amendment "A" (H-966) is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed authorizing final adoption of the provisionally adopted rule provided certain revisions are made. The majority report was adopted.

Committee Amendment "B" (H-967), which was not adopted, is the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment proposed authorizing final adoption of a rule to regulate liquidation harvesting. It would have required extensive revisions to the provisionally adopted rule prior to final adoption.

Enacted Law Summary

Resolve 2003, chapter 144 authorizes final adoption of Chapter 23 Standards for Timber Harvesting to Substantially Eliminate Liquidation Harvesting. Final adoption of the provisionally adopted rule is authorized providing revisions proposed by the Maine Forest Service and dated April 27, 2004 are made as well as additional changes specified in the Resolve. The Resolve requires that 2 exemptions in the rule be based on timberland acreage rather than total land ownership acreage or total parcel size. The Resolve requires the Commissioner of Conservation to make available to the public a document that allows comparison of the rule provisionally adopted on April 14, 2004 and the rule authorized and finally adopted.

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LD 1965

An Act Regarding Penalties Assessed by the Bureau of Forestry

PUBLIC 694

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1965 proposed a civil penalty for a violation of rules adopted to substantially eliminate liquidation harvesting. The civil violation provisions would become effective on January 2, 2005, the effective date for the Maine Forest Service rules.

Enacted Law Summary

Public Law 2003, chapter 694 enacts a civil penalty for a violation of rules adopted to substantially eliminate liquidation harvesting. A person who violates the rule is subject to fines that may be increased for a second violation within a 5-year period. Alternatively, maximum fines may be increased to reflect the economic benefit realized from the violation.

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